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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,416	11/16/2001	Sharleen Smith	918.0005.U1(US)	3746
29683	7590	07/28/2004	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			MUHEBBULLAH, SAJEDA	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/991,416	SMITH ET AL.	
	Examiner	Art Unit	
	Sajeda Muhebbullah	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/6/04, 4/29/02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. Claim 4 is objected to because of the following informalities:

line 4: the word "televison" should be changed to --television--

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12-15 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claims 13 and 17, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

6. Claim 12 recites the limitation "the selected item(s)" in line 6.

Claims 14-15 recite the limitation "the selected item(s)" in line 1.

Claims 14-15 recite the limitation "the television programmer" in line 3.

There is insufficient antecedent basis for these limitations in the claims. Appropriate corrections are required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitsukawa et al. (“Kitsukawa”, US 6,282,713).

As per independent claim 1, Kitsukawa teaches a method for enabling a user of a viewing appliance to interactively select information of interest for delivery by an information provider (col.7, lines 21-25), wherein the viewing appliance has interactive capabilities for enabling the viewer to generate signals that are received by the viewing appliance or by some interactive module associated with the viewing appliance during the display of programming content to the user, and wherein the user is prompted to select information of interest that is related to the displayed programming content within a predetermined region on a screen of the viewing appliance (col.9, lines 55-58).

As per independent claim 2, Kitsukawa teaches a television system comprising circuitry and software for enabling a content provider to receive, during a television program, at least one interactively generated request for selected information from a television program viewer (col.7, lines 22-25), for storing and aggregating multiple requests received during the airing of the

television program, and for delivering the selected information to the viewer for implementing a programming- related information store-and-forward functionality (col.7, lines 40-53).

As per independent claim 3, Kitsukawa teaches an on-screen area, region, window or stripe that is presented during television programming (Fig.6, *advertising portion 608*) and that provides a programmer a capability to interactively engage a viewer so as to receive requests for information, where the information is related in some manner to the content of a program or a commercial, and to store-and-forward the requested information to the viewer (col.7, lines 40-53).

As per independent claim 16, Kitsukawa teaches an on-screen area, region, window or stripe that is presented during television programming upon request by a viewer and that enables the viewer to initiate requests for specific items of information that are offered to the viewer through the on- screen area, region, window or stripe, where the information is related in some manner to the content of a program or a commercial currently being presented to the viewer (col.9, lines 37-50), where a record of said viewer requests are stored for a given program enabling an information provider to store-and-forward the requested information in an electronic manner to the viewer (col.7, lines 40-53).

As per claim 18, Kitsukawa teaches the information that can be requested through the on-screen area, region, window or stripe to be intended to be relevant to all viewers of the television program (col.2, lines 20-22; *information is provided regardless of the type of viewer*).

9. Claims 4-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Shoff et al. ("Shoff", US 6,240,555).

As per independent claim 4, Shoff teaches an on-screen region configured as a stripe that overlays a predetermined portion of a television display screen (Fig.8b, *menu 212-221*), said stripe holding and presenting information that is contextual to television programming that it is overlaid on and cooperating with a system for providing television viewer interactivity to provide the viewer with an ability to request the delivery of information that is related to a subject of, or a topic considered by, the television programming (col.11, lines 25-44).

As per claim 5, Shoff teaches an on-screen region wherein the on-screen region is selectively displayed only to those viewers who request that it be displayed (col.9, lines 30-40).

As per claim 6, Shoff teaches an on-screen region wherein said region is implemented in accordance with an Advanced Television Enhancement Forum (ATVEF) standard, wherein triggers are sent to a viewing appliance during Vertical Blanking Intervals (VBIs) (col.2, lines 32-37), wherein the predetermined on-screen region is operated by the triggers so to be present during television programming only when requested by a viewer and providing a programmer a capability to interactively engage the viewer (col.9, lines 30-40).

As per independent claim 7, Shoff teaches a method for displaying a program, a commercial or a promotional message to a viewer of a viewing appliance, comprising:

transmitting a television signal such that a display screen displays live or pre-recorded audio/visual programming (col.4, lines 22-27); and

opening a visually distinct on-screen area, region, window or stripe on the display screen (Fig. 8b; col.11, lines 1-2), the on-screen area displaying information that provides the viewer with a capability to interactively obtain selected information from an information provider through a data communications network (col.7, lines 51-60).

As per claim 8, Shoff teaches the method further comprising:

sending a first trigger signal from a server for prompting the viewer to select whether the viewer wishes to have the on-screen area displayed during a program and, if the viewer so wishes (col.3, lines 21-24);

operating an input device for sending an affirmative signal to the viewing appliance (col.9, lines 54-56);

the receipt of the affirmative signal causing the viewing appliance to send a response signal to the server that, in turn, sends a second trigger signal to the viewing appliance for causing the viewing appliance to open said visually distinct on-screen area, region, window or stripe on the display screen of the information appliance (col.10, lines 1-6).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. ("Shoff", US 6,240,555) in view of Deleeuw (US 6,353,450).

As per claim 9, Shoff does not teach the on-screen area, region, window or stripe to be translucent or transparent so that a television program may be viewed through it. However, DeLeeuw teaches a method of displaying video images with transparent user interface elements (col.1, lines 35-40). It would have been obvious to one of ordinary skill in the art at the time of

the invention to include DeLeeuw's method with Shoff's teaching so that the on-screen area does not interfere with the program (DeLeeuw, col.3, lines 1-3).

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. ("Shoff", US 6,240,555) in view of Montero (US 6,133,912).

As per claim 10, Shoff teaches the method wherein said visually distinct on-screen area, region, window or stripe displays icons and text for offering the viewer an opportunity to obtain further information regarding some aspect of the content of a television program being viewed (Fig.8b, buttons 212-221; col.11, lines 3-25). However, Shoff does not disclose wherein upon the viewer indicating acceptance to the offer, sending a signal from the viewing appliance back to a server that in response to receiving the signal records the viewer's acceptance for that particular additional information, and repeating these steps during at least one television program, with the server storing and aggregating a record of the viewer's selections. Montero teaches a method of delivering information over a network wherein a list of the viewer's selections are stored (col.23, lines 63-67). It would have been obvious to one of ordinary skill in the art to combine Montero's method with Shoff's teaching in order to use the record of viewer selections to generate information to be displayed for future sessions based on the viewer's previous selections (Montero; col.24, lines 30-32).

13. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. ("Shoff", US 6,240,555) in view of Montero (US 6,133,912) as applied to claim 10 above, and further in view of Garrett (US 6,473,738).

As per claim 11, the method of Shoff and Montero does not disclose the method wherein at or near the end of the television program the server sends a further trigger signal to the

viewing appliance that causes the viewing appliance to open said visually distinct on-screen area, region, window or stripe for displaying summary information regarding the viewer's information selections. However, Garrett teaches a method of displaying a summary of items selected by a viewer (col.9, lines 59-61; Fig.10). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Garrett's method with the teaching of Shoff and Montero in order to provide the viewer with the opportunity to review his/her selections.

As per claim 12, Montero teaches the method further comprising steps of:

prompting the viewer to enter an indication of where the selected information is to be sent (col.10, lines 15-18); and

forwarding the entered indication to the server so that the selected item(s) of information can be forwarded to the viewer (col.10, lines 27-30).

As per claim 13, Montero teaches the method wherein the indication comprises at least one of a preassigned account number, a membership number and an address, such as an e-mail address or a physical street address (col.10, lines 15-18).

As per claim 14, Shoff teaches the method wherein the selected item(s) of information are forwarded to the viewer by a server associated with the television programmer (col.3, lines 10-14).

As per claim 15, Shoff teaches the method wherein the selected item(s) of information are forwarded to the viewer by a server associated with an advertiser that provides a commercial for use by the television programmer (col.3, lines 10-14).

14. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitsukawa et al. ("Kitsukawa", US 6,282,713) in view of Shoff et al. ("Shoff", US 6,240,555).

As per claim 17, Kitsukawa does not disclose the related information to be an interactive application. However, Shoff does teach the viewer to be further provided with an opportunity to participate in an interactive application (col.1, lines 34-43). It would have been obvious to one of ordinary skill in the art to include Shoff's teaching with Kitsukawa's teaching in order to further enhance the viewing of the program (Shoff, col.1, lines 36-41).

15. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitsukawa et al. ("Kitsukawa", US 6,282,713) in view of Montero (US 6,133,912).

As per claim 19, Kitsukawa does not teach the information that can be requested through the on-screen area, region, window or stripe to be intended to be relevant to viewers within at least one predetermined demographic group. However, Montero teaches the display of information to be relevant to the viewers within at least one demographic group (col.5, lines 14-25). It would have been obvious to one of ordinary skill in the art to include Montero's teaching with Kitsukawa's teaching in order to send information to only those viewers interested (Montero, col.1, lines 36-45).

As per claim 20, Kitsukawa does not disclose the information that can be requested through the on-screen area, region, window or stripe to be intended to be relevant to a particular viewer. However, Montero teaches the display of information to be relevant to a particular viewer (col.5, lines 14-25). It would have been obvious to one of ordinary skill in the art to include Montero's teaching with Kitsukawa's teaching in order to send information to only those viewers interested (Montero, col.1, lines 36-45).

Communications

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is (703) 305-0720. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm (EST). The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax number for the organization where this application or proceeding is assigned are as follows:


(703) 746-7238 [After Final Communication]

(703) 872-9306 [Official Communication]

(703) 746-9915 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sajeda Muhebbullah
Patent Examiner
July 14, 2004


KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
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